P 31E

Preserved

App. F. IX-4

Previous References

1929. (VP

File No. 12-29

Serial Nos. 1, 3, 5 28

Later References

General and Revenue Secretariat.

Serial Nos.

Part B for Feb 30

SUBJECT

Petition from mr S. R. Sivappagowda, Chairman Jaya Chamarajapura, appealing against the order of the Deputy Commissioner, dismissing him from the office of the Chairmanship

8 To, mr. S. R. Sivappagowda.
No. L 5 916 of 5. 2. 30.
Informs that Govt. do not see to interfere with the orders passed by the D. C.

Forwards Copy to the D. C. Tumkur
No. L 5 916 of 5. 2. 30

5. 2. 30.

Serial No.

Petition, dated the 14th Nov 1929, from S.K. Sivappagowda, Chairman, Jayachamarajapura Village Panchayet, Chikkanaikanahalli Taluk, an Appeal against the order of the Deputy Commissioner, Tumkur District dismissing him from his office of Chairman under Sec 15 of the V.P. Regulation.

The petitioner alleges that the D.C ordered his removal from the Chairmanship on the ground of his misconduct in having entered site no: 76 in the name of his father Kallayya and that the D.C. failed to consider the fact that the necessary alterations were made on the resolution of the Panchayet. He prays that the order of the D.C. may be cancelled and that pending the disposal of the appeal, the order of the D.C. may be stayed.

2) ~~He~~ In the absence of the records it is not possible to judge whether a stay order may be passed, and no special grounds are urged for this procedure. The endorsement issued by the Amildar shows that the order of the D.C. was passed on 22.10.29 and that the endorsement reached the petitioner, after the

WD 01684—GPB—30,000—20-1-29

General and Revenue Secretariat

V.P. File No. 2402/Dis/12

App. F. III—2] of 1929

Serial No.

Petition, dated the 14th Nov 1929, from S.K. Sivappa gowda, Chairman, Jaya-Chamarajapura Village Panchayet, Chikkanaikanahalli Taluk, a Appeals against the order of the Deputy Commissioner, Tumkur district dismissing him from his office of Chairman under Sec 15 of the V.P. Regulation

The petitioner alleges that the D.C. ordered his removal from the Chairmenship on the ground of his conduct in having entered site no: 76 in the name of his father Kallayya and that the D.C. failed to consider the fact that the necessary alterations were made on the resolution of the Panchayet. He prays that the order of the D.C. may be cancelled and that pending the disposal of the appeal, the order of the D.C. may be stayed.

2) ~~The~~ In the absence of the records it is not possible to judge whether a stay order may be passed, and no special grounds are urged for this procedure. The endorsement issued by the Amildar shows that the order of the D.C. was passed on 22.10.29 and that the endorsement reached the petitioner after the

Note—Contn. Sheet

WD 01684—GPB—30,000—20-4-29

App. F. III—2]

General and Revenue Secretariat | G/P File No 12 of 1929

Serial No.

11 Draft enclosement is submitted for approval as directed.

14/12/29

12

17/12

Endorsement no. 4825-27 dated 2/12/29 to S. K. Shivappa Gowda, Jayachamarajapura Circle Naikanahalli taluk. Informing that the matter is engaging the attention of Govt

5 Letter no. VBC. 1724/29-30 dated 20/11/29 from the Deputy Commr Tumkur forwarding the records connected with the case

(3) References have been duly flagged and the office note of the Dy Commr explains the facts of the case.

24.12.29

(4) The Appellants contention is that the Dy Commr has removed him from the office on the ground of misconduct in having entered site no 76 in the name of his father Kalappa and the Dy Commr has failed to consider that the necessary alterations were made on the authority of the panchayat resolution

(5) Before passing orders the petitioner was given an opportunity to submit his

Note—Contn. Sheet

3396

General and Revenue Secretariat

App. F. III—2]

GP File No. 12 of 1929

Serial No.

explanation. Which he gave on 23.5.1929

A I S

In his explanation, the appellant admits that he wrote the petn dated 14/11/19 for Sanna nanjegowda, praying for a license to construct a house on site no 76 of the village. Upon this petn, a mahazar was drawn up by the Villagers on 30.3.1920 wherein the ownership of ~~site no 76~~ Sanna-nanjegowda to site no 76, has been admitted by the people, including his father Kallegowda. But the appellant ~~denies~~ states that he is not aware of this mahazar.

D

17 On a complaint petn of Sannananje which was referred to the Sheristhar for a report, the Sheristhar in his report dated 28.7.28, states that from an inspection of the locality and the connected records it is seen that ~~not~~ site no 76 belongs to Sanna Nanjegowda and that the Chairman and some of the Panchayat members, with a View to deprive him of the land have entered the same in the Khata of another man and received Kandayam. and that in this connection the Chairman has acted independently without proper authority, in writing up the accounts. and that the Shanbhogue and

* He is now 28 years old. He was at the time about 18 years old.

4 3/11/30

Note—Contn. Sheet

WD 066—GPB—30,000—26-7-29

General and Revenue Secretariat | W8 File No. 12 of 1929

Serial No.

the Chairman should be called upon to explain the same.

18 From the sheristar's report it is seen that the Panchayat resolution in this matter is one got up by those interested members including the Chairman. The resolution of the Panchayat is not among the records

19) The Appellant, Sivappragasda in his ~~explanation~~ statement* before the Amildar on 16/9/28, denies ~~of his~~ knowledge of the correspondence that took place in regard to the grant of the license for constructing a house on site no 76 by Sannamaygode in 1919-20, whereas he accepts having written the petn on 14/11/19, in his explanation, dated 23.5.29. Further he states that site no 76 was entered in his father's name, without either giving notice to Thuninagoda Complainant nor did he enquire anything about him. and that his action has been supported by a resolution of the Panchayat and that he is not personally responsible

20) In this connection third attention is invited to Rule 3, 4 & 5 read with Govt no 4347 ~~dt~~ 26-26-126 dt 6/1/27

J

* Page 19-23 of the V. P. Proceedings

Note Contn. Sheet

of Rules

General and Revenue Secretariat. | File No. 12 of 192 .9

Serial No.

regarding imposition, assessment, and collection of taxes under the V. P. Rgn, under which the Panchayat has to publish the proposal to levy any tax and call for objections within a specified date. It is open for the persons concerned to make any objection or suggestion to the proposal in writing or orally to the Panchayat and the Panchayat after considering all objections or suggestions may approve the proposal, at a meeting convened for the purpose

21 Revision rule. It shall be open to every person whose name is in the assessment list or every person claiming to be the owner or occupier of any property or agent of such person shall be at liberty to inspect the list and to make extracts therefrom without charge.

22) All objections to the assessment list have to be considered by the Panchayat and the decision of the Panchayat shall be communicated to the person objecting the assessment

23) In this respect an appeal shall lie to the Asst Commr, and if there is no Asst Commr to the Dy Commr from the decision of the Panchayat and his decision shall be final

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

7

General and Revenue Secretariat. | File No. 12 of 1927.

Serial No. 24)

In this connection the following points require consideration.

1) Whether the proposal to levy house tax was published, by the Panchayat, calling for objections

2) Whether objections were received & considered by the Panchayat.

3) Whether the decision of the Panchayat was communicated to the persons objected.

The notice calling for objections, the resolution of the Panchayat are not in the records and have to be called for.

4) Secondly, the Asst engineer to whom the complaint about the wrongful entry was made, has not decided as to who is the rightful owner of the site without which he has ordered the removal of the chairman for misconduct. In the absence of a definite decision, it is not possible to say whether the entry made was fraudulent on the part of the chairman, when the same has been supported by a resolution of the Panchayat in which case the Panchayat has to be considered.

5) Again, under Sec 15 of the V. P. Act, it is the officer that may remove the chairman from his office for misconduct or for any disgraceful act

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

General and Revenue Secretariat. | 8 File No. 12 of 1929.

Serial No.

after giving him an opportunity of being heard. The Asst Commr has no power (vide Sec 4 (q) of Act VI of 1911), to pass an order under Sec 15. of that Act.

2) From the records, it is seen that the Dy Commr has not given the appellant an opportunity of being heard, and it is not known why he was not heard.

3) The appellant in his explanation before the S. D. O. on 23. 5-29 states that when the assessment list was sent to the taluk office, seeking definite orders as to whether assessment may be levied on site no 74+76, the same was returned with a remark, and that without being attended either by the Sheristedar or the Amildar. Why the taluk authorities did not pass definite orders, when instructions were sought for is not clear. The assessment lists old + current may perhaps be looked into and the explanation of the officers concerned for not passing definite orders may also be obtained.

4) In the absence of complete records, it is not possible to say that the action of the Chairman is either due of misconduct making him or amounts to a disgraceful act liable to removal from the office.

5) If observed the records noted

NOTE—Contn. sheet.

General and Revenue Secretariat. | File No. 12 of 1929

Serial No.

at Paras 24 + 28. may be called for. and final orders passed after perusal.

31) The Governor states that action is being taken to appoint another man for the Chairmanship. The prayer in the appellant for a stay order, is for orders

83
4.1.30

32) The decision of the Panchayat is not binding except as regards the liability to pay the tax. The Sub-Assistant officer has not decided as to whose name ought to be entered in the Assessment list. He might have acted under Rule 16 of the V. P. Rules and decided the point. He may be asked to decide the point. It is not clear when there was a Panchayat of 1920, why in the assessment list the Site was not shown as belonging to the proper owner and the tax recovered from him. It is not also clear when the new assessment list was sent for approval to the Amildar why a decision was not given.

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

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App. F. III—2]

General and Revenue Secretariat. File No. 12 of 1929.

Serial No.

The Panchayat Resolution and the assessment list may be called for with information on the points noted above.

33) Section 15 read with Sec 44 indicate that the Deputy Commr should have heard the petitioner. The D.C. has passed an order on the office note. The D.C may perhaps be asked to hear the petitioner and submit the complete records

D
4.11.(3D

34 It is true that under Sect 15 of the V.P Regn. Superintendence & Chairman of the V.P. for misconduct he has to be given an opportunity of being heard and an enquiry may also be held by the D.C

35 It cannot however be said in this case that the petitioner has not been heard at any time. There was an enquiry by the Asst Director who has also rendered opinion about the conduct of the appellant. The appellant has also given written statement.

Where papers on the subject of the Land Revenue Assessment the Chairman's Addl. Secy. 30 4 30 transcriptions are perhaps necessary

K-7

NOTE—Contn. sheet.

K A

WD 066—GPB—30,000—26-7-29

General and Revenue Secretariat. | File No. of 192

Serial No.

R 1

R 11

An English abstract of this is also now furnished as well as of the report of the Amildar

It will be seen from all these that the entry of the ownership of the land Sy No 76 in the Patti's name by the Chairman is rather suspicious. He has once before filed a petition on behalf of the Panchayat of Sannanaikanda. And has also heard from reports that the land was once declared to belong to Sannanaikanda.

As regards the resolution of the Panchayat the Amildar's report shows that the proceedings of the Panchayat were vague and suspicious and there are no grounds connected therewith.

It does not seem that any useful purpose will be served by any further enquiry.

As an appeal has been preferred by the ~~the~~ appellant may perhaps be heard. or he may be informed that there are no grounds to interfere

Orders)

WD
7/1/30.

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

CHIEF SECRETARY
8 JAN. 1930

General and Revenue Secretariat. | File No. 3396 of 192

Serial No.

40) All the officers who dealt with this case from the Sheristar to the Dy Commr have held that the petitioner's conduct in registering the site in the name of his own father was fraudulent. The fact that this was done with the approval of the Panchayat and after observing the formalities prescribed by the Rules constitutes no proof of the petitioner's bona fides. On the other hand it looks as if these precautions were taken only to bolster up a false claim. It is also significant that since the trouble arose, the petitioner's father gave back the land to Samaa Nayagar, in order evidently to back up his complaint.

41) There are no circumstances to justify interference with the order passed by the Dy Commr. The petition may be rejected

Secy (Member) 10/1/30

42) I agree

C&G 20/1/30

43) Draft. 20/1/30

OFFICE OF THE SECOND MEMBER OF COUNCIL
11 JAN. 1930
No. 522

NOTE—Contn. sheet.

WD 066—GPB—80,000—26-7-29

1396

App. F. III—2]

General and Revenue Secretariat | File No. 12 of 1929

Serial No.

Submitted with a draft for approval

22-1-30

(Chairman)

28/1

Issue

28/1

1 | No. 5915-S/57/1/30 To S. K. Srinivasagopalan
Informed that his plea is rejected
No. 5916-S/57/2/30. Copy to the Treasurer
returning rent.

CHIEF SECRETARY.
24 JAN. 1930

GEN. & R. DEPTT. SECTION
6/2/30

8 FEB. 1930.
G. BRANCH

Note—Contn. Sheet

WD 066—GPB—30,000—26-7-29

G. R. S. III—3]

Amildar's report-

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

JC P. Report

X X X X X X.

That the Sanchalak, Chairman Sirapur has changed site no 76, 74 Hoog which were shown hitherto as Hiranwar in the Panchnama accounts to the name Ghee is true this, he has done unauthorized express orders from his superiors there is no provision in the Act for Rfn to grant or assume him to do instance the Chairman says, that he did so on the strength of the resolution of Sanchalak which was accepted by a majority. The proceedings of the meeting is vague and is suspicious and there are no means connected therewith. The fact that he has changed the account, which was shown for a number of years as Amanat has been done not without a motive and cannot but be considered as one done to gain ones interests.

N. B.—Should routine notes be written on small slips the notes must be gipoed, or slips pasted on this form.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc. not intended for permanent record.]

for license to build a house on
Site no 76 was written by me
I am not aware of any mahazar
dated 3 3-19 20 connected by
the Shirodkar Prabhu by the
Village people in this connection
that the mahazar is to the effect
that Site no 76 belongs to Sarma
Vaijeyendra. This I came to know
just now. Any way people were
saying so. That Sites no 74 & 76
were shown as Amanat in the
Khanesumari account, came to
my knowledge only in the year 1917
when the Panchayat Agra was informed
into the Village. Afterwards for
the first year I entered similarly
in the Khanesumari account.
I sent the manuscript copy to
the Taluka office. The same was
returned with a remark that if
Site no 74 is the Hakdari, assessment
may be levied, But this was
not allowed by the Prabhu
or Shirodkar. When the last was

N. B.—Should routine notes be written on small slips, the notes from the copies of slips pasted on this form.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

returned, I entered in the printed form, ~~I saw~~ the site no 76 which stood as Amarat in my father's name. Kallappa bin Ranjanna. and entered his name in the khata. It was I that wrote the petn for Sanna Ranjegowda for a license to build the house. and it is I that changed the site no 76 to the name of my father. That one Lingappa showed me a document to the effect that these sites were purchased by Narasegowda, Kallegowda and Siddegowda and that Lingappa and Kallegowda had petitioned to the Panchayat: the question was considered at a meeting of Panchayat and both these persons were given one site each and site no 76. was entered in my father's name. No notice was given to Thimmegowda son of Narasegowda and was any enquiry held in the matter

N. B.—Should routine notes be written on small slips the notes must be copied; or slips pasted on this form.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

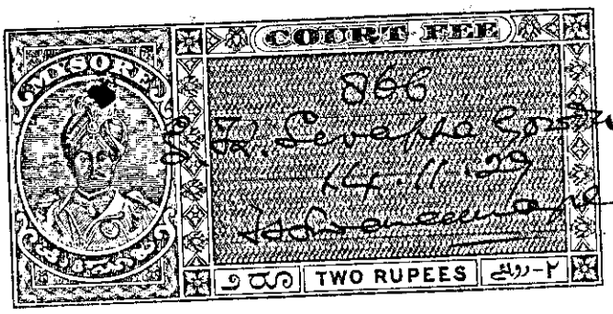
When you visited the Village
on 30/1/29 my father
Kalleyanda had given away
site no 76 to Siamanganjegowda

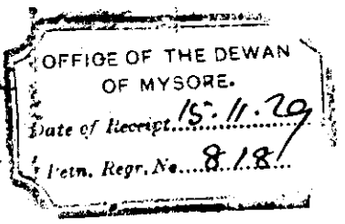
This is all my explanation

Read and accepted as correct
and signed the same.

(Sd) Linappagowda
28.5.29

Before the Sub Divl Officer





V.P 12-29-1

Before the Govt. of His
Highness the Maharaja of Mysore
Bangalore-

Appellant:- S. K. Sivabba Gowda
Chairman Village
Panchayat
Jayachamarajapura
Cheknayakanhalli
Taluk

Under Sec 15 of the Village
panchayat Regulation, the
appellant begs to file this
appeal against the order of
the Deputy Commissioner
Tumkur Dist., removing
the appellant from the chair-
manship of the said Village
panchayat, on the following
amongst other grounds:

I That the appellant was elected Chairman of the said Village Panchayat in 1927 and has been the Chairman since then. The Sanitation of the Village is improved. Roads have been laid and worked out under the Chairmanship of the appellant. Village ~~improvement work is going~~ on very busily.

II That in the year 1927, the appellant prepared the assessment list of Jayachamarajapura, in accordance with the Khanesh mari then existing. In the said list Site Nos 14 and 76 were described as Amanath (ಅನಾಥ). When the list was sent to the Taluk office for approval, it was returned with a direction to ascertain if the said Site belongs to private individuals ~~are~~ if so necessary

changes must be made.
Afterwards Messrs Lingappa
and Kallappa gave a
petition to the effect that
they are the owners of the
said site and the site
may be entered in their
name. This matter was placed
before a meeting of the
panchayat on 2-11-27. A
resolution was passed in
the meeting to the effect that
the site should be entered
in the name of the applicant
whereupon objections were
called for by beat of tom tom
in the village. Since no objection
was received, the assessment
list was amended in accordance
with the resolution of the panchayat
dated 2.11.1927 This list is signed
by all the panchayatdars and
was duly aproved by the Taluk
Amildar on 15.12.27.

III On a subsequent application
by one Narasimhaiah of the same

Village, the sub-division officer recommended and the Deputy Commissioner has ordered removal of the appellant from the chairmanship on the ground of misconduct of the appellant in having entered site No 76 in the name of his father Kallayya. But the Deputy Commissioner failed to consider, that the necessary alterations were made on the authority of the panchayat resolution.

IV Without looking into the panchayat books and without making an enquiry as to the truth or otherwise of the allegations made against the appellant the deputy Commissioner has passed the order and therefore it is unjust and illegal.

V Wherefore the appellant prays that the Government of His Highness the Maharaja of Mysore be pleased to call for records and books relating to the village panchayat and Cancel the order passed

by the Deputy Commissioner

He further prays that pending disposal of this appeal the order of the Deputy Commissioner be stayed.

The Endorsement served to the appellant is herewith produced.

Dated 14/11/1929

S.K. Sivappa Gowda.
Chairman

V. P.

~~L. B. 29-29-4~~

Pet. No. 818

OFFICE OF THE DEWAN OF MYSORE,

Bangalore, dated 15 : 11 : 1929.

L.S.G. 19/11

The accompanying petition addressed to the Dewan is forwarded, with compliments, to the Secretary to Government, General ....Departments

Mr. K R 19/11/29

GEN. & REV. SECTT. 2402 20 NOV. 1929 I. S. C. BRANCH

By Order,

Private Secretary to the Dewan.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

N. B. Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

WD 1880—GPB—1,50,000—2 5-21

App. F. G. 9]

GOVT. OF H. H. THE MAHARAJA OF MYSORE.

GEN. & REV. SECRETARIAT.

L 4390) 13/12/29

En 2

OFFICIAL MEMORANDUM.

No..... VP 12-29-3

The accompanying Petition Registered No.... 2402 ..... dated 14.11.29 received at the General and Revenue Secretariat from mr. G. K. Subba Gowda Chairman Village panchayet of Jayachama-rajapura, Chickmagalur taluk praying that the order of the D. C. Tumkur dismissing him from his office of Chairmanship of the village panchayet may be cancelled and praying for a stay order

is forwarded, together with its enclosures to the Deputy Commissioner Tumkur District for favour an early report to get this with the connected records.

By Order,

General Secretary.

BANGALORE;

.....19.....

[P. T. O.

HS 6.12.29.

WD 02048 -GPB—3750—8-8-28

24825
d 20.12.29.

ಅರ್ಜಿದಾರ ಬಿ. ಶಿವಕಾಳಪ್ಪನವರಿಗೆ ತಾಲ್ಲೂಕು

ಹೋಬಳಿ

ಗ್ರಾಮದಲ್ಲಿರುವ

ಎನ್. ಕೆ. ಶರ್ಮ ಸಹ ಪಂಚಾಯತ್ ಇಂಡಾರ್ಸ್ ಪುಸ್ತಕ.

ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿಸಿಕ್ಕೊಂಡ 14.11.29 ರ ಅಜ್ಞಿನಾಮೆಯ

ಮೇರ್ಕು ಮಿನ ಅರ್ಜಿಯನ್ನು ಆಜ್ಞೆ

ಈಪರ ಬರೆಗೆ ಕಳುಹಿಸಿದೆ

ಬೆಂಗಳೂರು.

By Order,

17/12

for Chief Secretary.

14/12.

No. V Pe 1724/29-30
1 file

Enclosures. 1 file : 1 office note
+ 1 petn.

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

*Dated, Tumkur, the...20th..Decr.....192*9.

GEN. 3396

FROM

G. B. HEBLIKAR, ESQ., B.A., LL.B.,
Deputy Commissioner, Tumkur District,
Tumkur.

V P 12-29-3

To

.....N...Madhava..Rao...Esquire,...B.A., B.L.,
Chief ~~General~~ *Secretary to the Govt. of H. H. the*
Maharaja of Mysore,
Bangalore.

SIR,

With reference to your Official Memorandum No.L.4390/V.P. 12-29-3 dated 13-12-1929, forwarding the appeal petition No.2402 dated 14-11-1929 presented by Mr. S.K. Sivappa Gowda, Chairman of the Village Panchayet of Jayachamarajapur, Chiknaikanhalli Taluk, for report together with the connected records, I have the honor to submit herewith the office note on which orders have been passed and the records connected with the case. The office note explains the facts of the case. Action is being taken to appoint some other man for Chairmanship. The petition of Mr.S.K. Sivappa Gowda and the endorsement are also returned.

I have the honor to be,

Sir,

Your most obedient servant,

For Deputy Commissioner,
(Absent from Station)

Appendix F G—1

SUBJECT.....

.....

.....

Section V. P

File No. 12—29

Serial No. 8

No. L. 5915

Diary No. of letter replied to. L 3396

General and Revenue Secretariat

( )

the *192*

To

~~The Dy. Com~~

.....

Date of issue 5—2—30

Signed by for T. K. S. Iyer

List of enclosures.....

Copied by 3/2/30

Examined by.....

En dorsement granted to S. K. Shivappa gowda, Chairman of the Villagepanchayat of Jayachamarajapura, Chickmaisanahalli Hr. Tumkur District.

In reply to his petition dated 4/11/29 appealing against the order given by commr Tumkur District reinstating him from the office of the Village Panchayats Chairmanship, ~~Hr~~ Shivappa gowda is informed

over

mat Govt see no reason to interfere
with the order passed by the Dy
Comm. ~~The petition is therefore rejected~~

Bro

WD 28/1 Thanks for copy to give
memo: L.S. 26 [illegible] 5-2-1930 Carl recd

Copy of the above is forwarded
with compliments to the Dy
Comm Lungsen Dishri for
information, reference & action
in
cons. receipt of his letter No C 1734/29 of 20/12/29
are returned

Bro

WD 28/1
for info & file please
28/1/30